

DEPARTMENT OF THE ARMY
Omaha District, Corps of Engineers
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102

DR 690-1-200

MROPO

Regulation
No. 690-1-200

30 August 1984

Civilian Personnel
TEMPORARY ASSIGNMENT UNDER THE INTERGOVERNMENTAL PERSONNEL ACT

1. Purpose. This regulation outlines procedures for processing personnel mobility requests initiated under the provisions of the Intergovernmental Personnel Act (IPA) of 1970 and the Civil Service Reform Act of 1978.

2. Applicability. This regulation is applicable to all employees of the Omaha District and its serviced organizations.

3. Policy.

a. The Intergovernmental Personnel Act of 1970 opened new avenues for the interchange of employees between the Federal Government and States, local governments, and institutions of higher learning. The temporary mobility of employees between agencies is for the mutual contribution of goals and objectives established by both agencies concerned and for better intergovernmental relations through the sharing of talent, ideas, and experience.

b. The nature of the Corps of Engineers mission indicates the desirability for mutual cooperation in order for us to gain a fuller appreciation and understanding of the programs, processes, and problems encountered by our counterparts. The District's aim is to increase the effectiveness of our total resources and to improve the responsiveness to meet the needs of other entities as appropriate.

c. It is the policy of the Omaha District to provide support and encourage participation in lateral mobility requests which displays merit towards mission goals.

4. Responsibility. The Omaha District Personnel Office, Training and Development Branch, will coordinate IPA requests. Serviced organizations will process their requests through the Personnel Office, who in turn will place the request in proper command channels. HQDA, Office of the Chief of Engineers, Civilian Personnel Division, Employment Branch, is the final approving authority for Corps of Engineers employees.

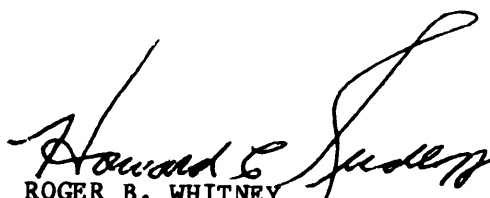
5. Assignment Requests. Requests for mobility assignments may be originated at any level within the Federal, State, or local governments, or institutions of higher learning (internally or externally). (Details of assignment

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procedures are outlined in Appendix A.) The request itself is primarily the concern of the two agencies involved. Nevertheless, because of the significant cost to the Government, each request will be judiciously reviewed in evaluating "Statement of Goals and Objectives" in relationship to cost factors and projected return. Requests originating within the Omaha District should be accomplished with the assistance of the Personnel Office, Training and Development Branch. Optional Form 69 will be used for submission of all requests.

FOR THE COMMANDER:

1 Appendix:
APP A - Assignment Procedures

for 
ROGER B. WHITNEY
LTC, Corps of Engineers
Deputy Commander

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Appendix A

ASSIGNMENT PROCEDURES

1. General. Intergovernmental personnel assignments will be undertaken on the basis of a joint agreement between a State or local government and the head of a Federal agency or designee, with the consent of the employee concerned. Assignments may be proposed by either a State or local government or a Federal executive agency. Assignments may be made involving one or more persons, may be drawn up in conjunction with reciprocal agreements, or may simply be one-way transactions. All assignments will be put into effect by means of a written agreement among the parties. All assignments are intended to be temporary in nature and initially cannot exceed 2 years. In rare instances, assignments may be extended for up to an additional 2 years when the need and value of the extension can be agreed upon by the three parties involved. Employees will be expected to return to their respective agencies, governments, or institutions upon completion of their assignments.

2. Assignment of Federal Employees to State and Local Governments.

a. General. A proposal for assignment may be initiated either by the State or local government which must then obtain the agreement of the State or local jurisdiction. In either case, the employee, after having been given full information about the proposed assignment and the benefits under the various options, must also agree to the assignment proposal. The Federal employee may be assigned either on detail or on a leave without pay basis, whichever seems more desirable to the organizations involved. In either case, he/she officially remains an employee of his/her Federal agency and generally retains all benefits attached to that status including consideration for promotions for which he/she would otherwise have been eligible. The Civil Service Reform Act provides that as a condition of accepting an assignment under the IPA, the employee must agree to serve in the Civil Service a period of time equal to the length of the assignment. In the event the employee fails to carry out the agreement (except for good and sufficient reason, as determined by the head of the Federal agency from which assigned) the employee will be liable to the United States for payment of all expenses (excluding salary) of the assignment. The particulars under these two means of assignment are discussed more fully below.

b. Assignments on Detail. Federal employees assigned on detail to State or local governments or to institutions of higher education remain employees of their permanent agencies for all purposes save one, work supervision; and thus, retain all benefits of Federal employment. Supervision of work of employees on detail will normally be governed by written agreement between the participating agencies. Assignments on detail may be negotiated with or without reimbursement to the Federal agency by the State

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or local government for such items as travel and transportation expenses to and from the site of the assignment, and pay, or a portion of the pay of the employee during the assignment. Arrangements involving reimbursements, concluded on these points, must be spelled out in the written agreement between the agency and the State or local government.

c. Assignment on Leave Without Pay.

(1) A Federal employee assigned to a State or local government on leave without pay will be given a State or local government appointment in accordance with the terms of the written assignment agreement and State or local government to which he/she is assigned. If the rate of pay of the State or local appointment is less than the employee would have received had he/she remained in his/her Federal position, he/she will be entitled to a supplementary Federal salary from the Federal agency. This supplementary salary will be equal to the difference between the State or local rate and the Federal rate of pay.

(2) An employee serving on leave without pay may earn leave only at the same rate he/she would have earned had he/she remained in his/her regular Federal job. Rate of leave accrual is based on length of service: 1-3 years service, 13 days annual leave per year; 3-15 years, 20 days annual leave per year; over 15 years, 26 days annual leave per year. Sick leave is earned at the single rate of 13 days per year without regard to years of service. The determination of whether the Federal Government or the State or local government is to bear responsibility for the cost of the leave -- e.g., all annual leave earned or only that in excess of amount allowed by system in which employed, only annual leave earned but not taken, annual leave (or sick leave) taken in excess of that earned, etc., -- will be negotiated and spelled out in the written agreement between the participating agency and government.

(3) An employee on leave without pay will be entitled to continuation of his/her retirement, life insurance, and health benefits coverages unless he/she elects to receive such benefits for himself/herself or his/her beneficiaries under similar State or local systems instead. Choices on any or all such benefit coverages must be made a matter of record in the written assignment agreement. Likewise, if an employee on leave without pay is injured or killed in the performance of official duty, he/she or his/her beneficiaries will have a choice between compensation benefits authorized under Chapter 81, Compensation for Work Injuries, Title 5, United States Code, and similar compensation benefits from State or local governments. However, an employee will not be entitled to both. Full information on State or local benefits should be given Federal employees contemplating an assignment proposal to allow them to determine whether they want to maintain their participation in Federal benefit programs or transfer their participation to similar State or local plans.

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(4) As is the case under assignment on detail, supervision of the work of an employee on leave without pay will be governed by written agreement between the participating agencies and governments. Similarly, assignments on leave without pay may be negotiated with or without reimbursement to the Federal Government for travel and transportation expenses. Administrative arrangements concluded on travel and transportation expenses will be detailed in the written agreement. In addition, administrative arrangements concluded with respect to who will be responsible for, and the manner in which the various insurance and tax withholdings will be handled, will also be documented in the agreement.

3. Assignment of State and Local Government Employees to the Federal Government.

a. General. Title IV of the IPA provides two methods for assigning State and local employees to Federal agencies which are comparable to the two methods authorized for moving Federal employees to State and local governments. They may serve either on a detail basis or under a time-limited Federal appointment made without regard to provisions governing appointment in the competitive civil service. Such an employee who is detailed to the Federal Government remains a State or local Government employee for most purposes. A State or local employee assigned to the Federal Government on leave without pay will be in the excepted service and will not acquire status nor will he/she have any of the other benefits associated with the competitive service. His/her Federal appointment may be terminated at any time by mutual agreement between the Federal agency and the State or local governmental agency concerned. The specifics on these two means of assignment follow.

b. Assignment on Detail.

(1) State and local employees who will be detailed to the Federal Government will remain employees of their home jurisdiction for pay and other personnel purposes, but will be subject to Federal supervision and certain Federal employee laws and regulations. The Federal laws and regulations which will apply pertain to conflicts of interest, submission of financial statements, political activity, failure to account for public money, disclosure of confidential information, lobbying with appropriated funds, and tort claims. In addition to the Federal laws mentioned above and to any State or local laws or regulations which may still apply, employees will be subject to other appropriate Federal agency regulations and other such regulations as the Office of Personnel Management shall prescribe covering the intergovernmental personnel mobility provisions of the IPA. The Federal agency concerned will have the responsibility of informing the State or local employee contemplating a mobility assignment of these requirements before he/she makes a commitment. This must be made a matter of record in the written agreement covering the assignment.

(2) The supervision of duties of a State or local government employee on detail to the Federal Government will be governed by the written agreement between the participating organizations. In addition, any arrangements negotiated for the Federal agency to reimburse a State or local government for all or a part of the salary of the State or local detailee should also be spelled out in the written agreement. Such an employee will maintain participation under his/her State or local leave system as he/she will not be eligible to participate in the Federal leave system.

(3) A State or local Government employee serving on detail who becomes disabled or who dies as a result of personal injury sustained while performing official duties, will be entitled to treatment as a Federal employee for on-the-job injury compensation benefits provided for under Chapter 81, Title 5, United States Code. However, as is the case for the Federal employee who is injured while serving on a State or local government assignment, the State or local employee or beneficiaries may choose to receive either, but not both, Federal or State benefits for which eligible for the same injury.

c. Assignments on Leave Without Pay.

(1) A State or local employee assigned to a Federal agency on leave without pay will be given a time-limited appointment in the Federal Government without regard to the provisions governing appointment in the competitive service. Normally, such an appointment will be made at the minimum rate for the grade at which appointed. However, at Grade 11 and above, if the proposed assignee has superior qualifications, an appointment at a higher-than-minimum rate can be requested by the Federal agency when accompanied by a statement as to why the higher rate is necessary or justified. Such request must be submitted to the Office of Personnel Management and must be acted upon before the employee enters on duty with the Federal agency.

(2) A State or local employee on leave without pay who is serving with the Federal Government will not be covered by the Civil Service Retirement Law or other applicable Federal retirement systems nor by the Federal Employee Group Life Insurance Law. Such an employee will not be eligible for coverage under the Federal Employee's Health Benefits Law or similar authority unless his/her Federal appointment results in the loss of coverage under the counterpart State or local government group health benefits plan. Such an employee will be covered under the Federal leave system and unless he/she has prior creditable Federal service in excess of 3 years, will earn leave at the lowest annual leave earning rate, 13 days annual per year, and the standard 13 days sick leave per year. However, as part of the written agreement, it may be arranged to allow an employee who would be entitled to more than 13 days annual leave under his/her home system

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to be placed on leave without pay from the Federal agency for a period equal to the leave he/she would be entitled to in excess of 13 days -- provided that the State or local jurisdiction would pay for such leave. The employee's annual leave will not be available for him/her to use during the first 90 days of employment.

(3) If a State or local government fails to continue the employer's contribution to the State or local government, retirement, life insurance, or health benefits plan for a State or local employee under Federal appointment, the employer's contributions (or a part of it) may be paid by the Federal agency concerned. If applicable, this will be documented in the written agreement. In such a situation, the Federal agency will transmit the deposits directly to the State or local government system.

(4) The supervision of duties of employees on leave without pay appointed in the Federal Government will be governed by the written assignment between the agencies. The same will hold true for Federal reimbursement of travel expenses if any are negotiated.